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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/900,701

07/05/2001

Takashi Naiki

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26021

7590

07/07/2004

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EXAMINER

PEREZ, ANGELICA

ART UNIT

PAPER NUMBER

2684

12

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/900,701

Applicant(s)

NAIKI, TAKASHI

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3-12-04.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. Applicant's arguments filed on March 12, 2004 have been fully considered but they are not persuasive.

In the remarks the applicant argued in substance:

(A) In page 8, lines 13 and 14, "...the transmission function...is operated at all times."

In response to argument (A), the examiner pointed on column 8, lines 50-54 or page 4, lower portion of claim 1 and the entire claim 2, "circuitry connected to said receiver to decode said control commands... at least one option...given code" and "one option which is deactivated is outgoing audible communications." Where broadly interpreted, it is shown that the transmission function is not operable at all times.

(B) Similarly, on page 8, lines 18-25, the applicant states “ the present invention requires enabling/disabling of the transmission functions...turn off only the transmission functions while maintaining information processing functions which enables the performance of certain operations...”

In response to argument (B), the examiner pointed on column 8, lines 50-54 or page 4, lower portion of claim 1 and the entire claim 2, “circuitry connected to said receiver to decode said control commands... at least one option...given code” and “one option which is deactivated is outgoing audible communications.” And for further reference claims 3 and 4, “...option which is deactivated is audible signals...”; “...option is re-enabled.” The reference shows that there is enabling/disabling; e.g., “deactivated” and “re-enabled”, respectively.

(C) In page 9, lines 11-17, the applicant points that “wherein said wireless transmission/reception section is adapted to serve as a dedicated wireless receiver when said transmission functions ...are disabled”.

In response to argument (C), ON page 1, paragraph 0012, Pitts points existing art that teaches what is claimed. E.g., When the...the device inhibits the transmission of a signal from the device.” Therefore, the device becomes a “dedicated receiver”.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Pitts (Pitts, Robert L.; US Pub.No.: 2001/0031631 A1).

Regarding claim 1, Pitts teaches of a portable information apparatus having communications tools, the portable information apparatus including (paragraph 0001): a wireless transmission/reception section for transmitting to and receiving from an external wireless transmitter/receiver electromagnetic signals (column 8, lines 48-49); an operation section for performing various operations (column 8, lines 57-63); a display section for displaying status of the operations made by the operation section, and status and the results of transmission/reception operations made by the wireless transmission/reception section (figure 1B, item 114; e.g., "callee is in secure area, call back later"; column 4, line 5); and a control section connected with the wireless transmission/reception section (figure 2, item 242; column 8, lines 50-63), operation

section (figure 2, items 240 and 242), and display section (figure 3, item 312), for controlling overall actions of said portable information apparatus, where the operation section has selection means for selectively enabling/disabling the transmission functions of the wireless transmission/reception section (e.g., options being “deactivate” and “re-enable”; column 8, lines 50-54).

Regarding claim 3, Pitts teaches all the limitations according to claim 1. Also, he teaches where the portable information apparatus further comprises reception means (figure 2, item 218), within or outside the wireless transmission/reception section, for receiving a communication prohibition signal and/or a communication permission signal transmitted from an external facility, and for enabling/disabling the transmission functions of the wireless transmission/reception section upon receipt of the communication prohibition signal and/or the communication permission signal (e.g., where “deactivate” and “re-enable” are prohibition and permission signals; column 8, lines 45-63).

Regarding claims 2 and 4, Pitts teaches all the limitations of the apparatus in claims 1 and 3, respectively. In addition, Pitts teaches where the wireless transmission/reception section is adapted to serve as a dedicated wireless receiver when the transmission functions of the wireless transmission/reception section are disabled (column 6, lines 12-23).

Regarding claim 6, Pitts teaches all the limitations according to claim 3. Pitts also teaches where the portable information apparatus further comprises: a data section for storing data regarding the portable information apparatus (e.g., “stored information”

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tells us of the existence of a storing data section; column 5, lines 29-31); a discrimination section, adapted to receive the results of the reception from the reception means and receive data from the data section, for setting the transmission function of the wireless transmission/reception section enabled or disenabled, based on the results received from the reception means and the data received from the data section (column 5, lines 29-34).

Regarding claim 7, Pitts teaches of a control system for controlling portable information apparatuses having communications tools, the control system having a transmitter for transmitting a communication prohibition signal and/or a communication permission signal to the portable information apparatuses, said transmitter installed at a location where transmissions of electromagnetic waves from the portable information apparatuses are prohibited (column 9, lines 18-19).

Regarding claim 9, Pitts teaches all the limitations according to claim 7. Pitts also teaches where the transmitter is operated under predetermined conditions (column 9, lines 7-12).

Regarding claim 10, Pitts teaches all the limitations according to claim 7. Moreover, Pitts teaches where a control system comprises a multiplicity of transmitters defined in claim 7 (column 9, lines 1-5).

Regarding claim 11, Pitts teaches of an apparatus equipped with a controller (fig 2, item 242) for controlling portable information apparatuses having communications tools, the apparatus comprising a transmitter (fig 2, item 218) for transmitting a communication prohibition signal and/or a communication permission signal to the

portable information apparatuses, wherein said transmitter is installed on an apparatus that can be influenced by electromagnetic waves transmitted from the portable information apparatuses (column 9, lines 20-25).

Regarding claims 5, 8 and 12, Pitts teaches all the limitations according to claims 3, 7 and 11. Pitts further teaches where the communication prohibition signal and/or the communication permission signal are/is weaker than the electromagnetic waves transmitted from the wireless transmission/reception section of the portable information apparatus (e.g., where is well known in the art that the lower the power, the weaker the generated signal; columns 6 and 9, lines 32-48 and 18-19).



***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No.: 6,496,703 B1, teaches of a system disabling wireless communication devices.

US Patent No.: 6,201,973, relates to a mobile communications apparatus adapted to a plurality of transmission inhibition areas.

US Patent No.: 6,052,577, refers to a limiting system and portable phone.

US Patent No.: 6,233,448, teaches of a system, method and apparatus for activation/deactivation features based upon position.

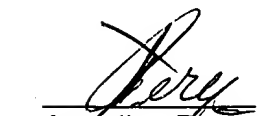
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 4:45 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number 703-306-0377.

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Angelica Perez  
(Examiner)

June 1, 2004

  
NAY MAUNG  
**SUPERVISORY PATENT EXAMINER**

Nay A. Maung  
(Supervisor)

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